

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EWING & KREISER, P.C.
500 Fayette Street
Conshohocken, PA 19428

Plaintiff

v.

CHARLES and FLOY STEPHENS
4363 First Avenue
Birmingham, AL 35222

Defendants.

CIVIL ACTION
NO. 2008-5490

REQUEST FOR ENTRY OF DEFAULT JUDGMENT

TO: The Clerk of Court
United States District Court
for the Eastern District of Pennsylvania

Will you kindly enter judgment by default in the above-captioned action against Charles Stephens and Floy Stephens, husband and wife, jointly and severally for \$101,034.93, and costs to be taxed. An affidavit of Proof and Non-Military Service in support of this Request is filed herewith

EWING & KREISER, P.C.

Dated: February 18, 2009

BY 

TRAVIS L. KREISER, ESQUIRE
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
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500 Fayette Street
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Defendants.

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NO. 2008-5490

ORDER ENTERING FINAL JUDGMENT BY DEFAULT AGAINST DEFENDANTS

AND NOW, this _____ day of _____, 2009, in consideration of Charles and Floy Stephens, having been duly served with process and a copy of the Complaint in the above-captioned action, and having been defaulted for failure to appear, Answer or otherwise move as to said Complaint, and it being certified that said Defendants are not incompetent persons or infants, and the Plaintiff having filed a certification setting forth the particular items of its claim and the amount currently due:

FINAL JUDGMENT is entered in favor of Plaintiff, Ewing & Kreiser, P.C. and against Defendants Charles and Floy Stephens, jointly and severally, in the amount of \$101,034.93, with costs in favor of the Plaintiff.

BY THE COURT

J.

**IN THE UNITED STATES DISTRICT COURT
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Plaintiff

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CHARLES and FLOY STEPHENS
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Defendants.

CIVIL ACTION
NO. 2008-5490

AFFIDAVIT OF PROOF AND NON-MILITARY SERVICE

Commonwealth of Pennsylvania :
: SS
County of Montgomery :

I, Travis L. Kreiser, of full age, being duly sworn according to law, upon my oath, and subject to the subject to the penalties of 18 Pa C.S.A. § 4904 relating to unsworn falsification to authorities, depose and say:

1. I am the President for the Plaintiff in the above-captioned action, and I am duly authorized to make this affidavit on behalf of the Plaintiff.
2. I am fully familiar with the books and records of the Plaintiff's business dealings with Charles and Floy Stephens. A true, accurate and correct copy of the accounts involving said Defendants, (including the outstanding invoices and an updated Statement of Account) are attached hereto as Exhibit A and incorporated herein by reference.
3. The legal services for which said charges were issued by Plaintiff were rendered to and accepted by the Defendants at the special instance and request of said Defendants.
4. All of the charges issued by Plaintiff are fair, reasonable and in strict accordance with the Agreement between Plaintiff and Defendants.

5. Plaintiff has credited Defendant with all payments, counterclaims and set-offs and there now remains due and owing from Defendants to Plaintiff the sum of \$101,034.93 which is the amount sought in the Complaint, plus additional prejudgment interest at the Pennsylvania legal rate of interest (\$99,951.96 {amount sought in the Complaint} plus 2 ½ months of additional finance charges at the legal rate set forth in the Complaint ($2.5 \times \$433.19 = \$1,082.97$) - - (\$99,951.96 + \$1,082.97 = \$101,034.93).

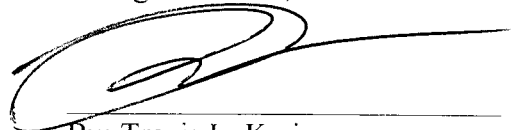
6. No defendant named herein is an infant or incompetent person.

7. This claim is not based upon a writ of attachment, *capias ad respondendum*, *replevin* or claims based directly or indirectly upon the sale of a chattel wherein a chattel has been repossessed peaceably or by legal process.

8. I know that no defendant named herein is in the military service of the United States. See the Documents attached hereto as Exhibit B.

9. I certify that the foregoing statements made by me are true, I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Ewing & Kreiser, P.C.

A handwritten signature in black ink, appearing to be 'Travis L. Kreiser', written over a horizontal line.

By: Travis L. Kreiser
President

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Plaintiff

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CHARLES and FLOY STEPHENS
4363 First Avenue
Birmingham, AL 35222

Defendants.

CERTIFICATE OF SERVICE

I TRAVIS L. KREISER, ESQUIRE do hereby certify that a true and correct copy of the foregoing Request for Entry of Default and Certification has been served by regular first class mail postage prepaid, on February 19, 2009 as follows:

Charles Stephens
Floy Stephens
5000 Spring Rock Road
Birmingham, AL 35222

Charles Stephens
Floy Stephens
4363 First Avenue
Birmingham, AL 35222

Dated: February 18, 2009

EWING & KREISER, P.C.

BY:


TRAVIS L. KREISER, ESQUIRE
Attorneys for Plaintiff